

Message

From: Tanner, Barbara [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=85D9A3F12DFA4B4ABAAE51BC4723EDDB-TANNER, BARBARA]
Sent: 4/4/2019 6:43:25 PM
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Subject:

News Articles (For EPA Distribution Only)

BNA.COM ARTICLES

EPA Suspends Health Hazard Assessments for 10 Chemicals (1)

By Sylvia Carignan

Posted April 3, 2019, 3:35 PM Updated April 3, 2019, 4:05 PM

The EPA is suspending work on its assessments of the potential adverse health effects of human exposure to 10 chemicals, including ammonia and formaldehyde.

GREENWIRE ARTICLES

Lawmakers press Wheeler on spending cuts, climate change

Kevin Bogardus, E&E News reporter Published: Wednesday, April 3, 2019



EPA Administrator Andrew Wheeler during a hearing this morning on his agency's budget request. Andrew Harnik/Associated Press

Democratic senators today pressed EPA Administrator Andrew Wheeler about President Trump's proposal for drastic budget cuts at his agency.

Wheeler testified this morning before the Senate Interior, Environment and Related Agencies Appropriations Subcommittee.

He had to defend the White House fiscal 2020 budget for EPA, which would give the agency about \$6.1 billion, slashing nearly a third of its current funds at roughly \$8.8 billion.

The EPA chief was also questioned about declining staffing at the agency as well as proposals to curtail various environmental regulations.

In his opening statement, Sen. Tom Udall (D-N.M.), the subcommittee's ranking member, said he was relieved that Wheeler's predecessor, Scott Pruitt, is "no longer dominating the news cycle with daily scandals. But the bottom line is that I don't see much of a change in terms of policy."

The New Mexico senator noted that the administration has proposed deep cuts in past EPA budgets only to be rejected by Congress, which has kept level funding for the agency in recent years.

Udall said he was tired of the gamesmanship and made reference to Trump's announcement at a Michigan campaign rally last week that he would fully fund the Great Lakes Restoration Initiative after his budget plan proposed to cut it by 90 percent.

Wheeler has said he agrees with the president's remarks and EPA is working with the Office of Management and Budget to amend its budget plan.

"It's a wink and the nod that the budget request isn't really real. But that, I submit to you, makes a mockery of the process. Budgets are statements of policy priorities," Udall said, saying Trump's budget plan shows the administration favors industry over the environment. "There is no wink or nod — or announcement at a rally — that can undo that."

Sen. Lisa Murkowski (R-Alaska), the subcommittee's chairwoman, thanked Wheeler for returning EPA to its basic functions but also said she found the Trump budget plan would not match up with the administration's goals for the agency. She said the agency's final budget will look different from the president's request.

"While I appreciate this budget's recognition of numerous programs that do have bipartisan support, many of the reductions would, in my view, be inconsistent with some of the back-to-basics approach I just mentioned," Murkowski said.

Wheeler, in his opening statement, emphasized the administration's deregulatory work at EPA as well as its support of water infrastructure and a new proposed Healthy School Grants program with \$50 million in funding.

The EPA administrator said the administration is proving that economic growth and environmental protection can go hand in hand.

Asbestos, climate

Wheeler was often pushed by Democratic senators to take quicker action on priorities. Sen. Jon Tester (D-Mont.) asked when EPA would finalize its risk evaluation for asbestos, which has plagued residents of Libby in his state, by the end of this year. Wheeler said that was EPA's goal.

"We have got people dying from this, OK? And it's not a pleasant death. Why is it out there?" Tester said.

Wheeler said EPA's goal is to finish the evaluation by the end of this year, but he said he didn't want to "prejudge" the assessment. Tester argued that the material should be off the market given its deadly effects.

"If it's rock-solid, we will move quickly to pull it off the market," Wheeler said.

Senators also had questions over EPA's work on climate change. Sen. Jeff Merkley (D-Ore.) reminded Wheeler that during his confirmation hearing to be EPA administrator, Wheeler told him that climate change ranked as eight or nine out of 10 as a concern for him.

"If you have a high level of concern, how come you are cutting funding for key climate programs?" Merkley said.

Wheeler pointed to new proposed rules to replace Obama-era regulations to lower carbon emissions from power plants and vehicles. Merkley said those new rules would lead to increased carbon pollution.

Udall noted that EPA as part of its enforcement function is performing fewer inspections and under Trump's budget would cut funding for state agencies that would have to pick up the slack.

Wheeler countered by saying that EPA is focusing on areas that are not in line with environmental standards and that the number of criminal cases started by the agency rose last year.

"We are focusing on compliance and audits at the beginning of the process, but we are making sure that if people are violating the law, we are taking action, including criminal action against them," Wheeler said.

Staffing, vacancies

Udall confronted Wheeler on staffing. Hundreds of employees have left the agency under the Trump administration.

The ranking member said EPA has the funding in place to hire their replacements, given that lawmakers have rejected proposed budget cuts for the agency, but has not done so.

"I see this as an intentional effort to cripple the EPA so badly, effects will last well past this administration," Udall said.

Wheeler acknowledged that it is a challenge for the agency. He noted that 40 percent of EPA staff members are eligible to retire. In addition, he said, sometimes staffing surges fail to come through.

Wheeler said EPA hired 30 people last year to work on Toxic Substances Control Act issues, but 30 people left during that time period.

"My main concern is we have the right expertise," Wheeler said.

At times during this hearing, the EPA administrator lamented how arduous the Senate confirmation process has been to fill out political leadership at the agency.

Wheeler said he hopes EPA will have the head of its land and emergency response office in place before the next hurricane season hits, given that he was first nominated for the job nearly 400 days ago.

In addition, Wheeler said prospects have turned down the chance to join EPA, given the length of the confirmation process, acknowledging that its research office also does not have a Senate-confirmed head.

"We have had a hard time of filling positions because people look at how long the process takes, and they have told us no," Wheeler said.

Wheeler's testimony this morning was his second hearing this week, after he appeared before the House Interior, Environment and Related Agencies Appropriations Subcommittee yesterday.

He will also be back on Capitol Hill next week. The EPA administrator is slated to testify about Trump's budget request before the House Energy and Commerce Subcommittee on Environment and Climate Change on Tuesday.

<https://www.eenews.net/greenwire/2019/04/03/stories/1060141913>

Agency halts experiments that killed thousands of cats

Published: Wednesday, April 3, 2019

The Department of Agriculture is ending a research program that has killed thousands of cats, the agency said yesterday.

Since 1982, USDA's Agricultural Research Service's lab had been infecting cats with a foodborne illness called toxoplasmosis and later euthanizing them.

The watchdog group White Coat Waste Project also reported last month that the agency had previously bought cats from Asia and then fed them to healthy cats. The group took its findings from USDA research publications. The agency did not respond to NBC News' request for comment on the report at the time and did not mention such experiments in its statement yesterday.

USDA said no cats have been euthanized since September. Agency employees are adopting the remaining 14 cats.

The agency's "toxoplasmosis research has been redirected and the use of cats as part of any research protocol in any ARS laboratory has been discontinued and will not be reinstated," USDA said in a statement.

Last year, USDA defended the research, saying it was "lifesaving." The agency said at the time that it would have an expert panel review alternatives to euthanizing the cats ([Greenwire](https://www.eenews.net/greenwire/2019/04/03/stories/1060141773), May 30, 2018).

Oregon Democratic Sen. Jeff Merkley said USDA "made the right decision today, and I applaud them for their willingness to change course. It's a good day for our four-legged friends across America."

Rep. Jimmy Panetta (D-Calif.) had introduced the "Kittens in Traumatic Testing Ends Now Act" in an effort to halt the experiments.

"I commend the USDA for their decision to end this type of testing on kittens. They listened to the people and responded appropriately to our concerns. This is how our institutions, our government, and our democracy should and must work," he said in a statement (Dareh Gregorian, [NBC News](https://www.nbcnews.com), April 2). — CC

<https://www.eenews.net/greenwire/2019/04/03/stories/1060141773>

Panel approves plan that could reverse cuts at EPA, other agencies

George Cahlink, E&E News reporter



The House Budget Committee yesterday marked up legislation to set up spending caps for fiscal 2020. Budget Committee

Published: Thursday, April 4, 2019

Billions of dollars could flow to the Interior and Energy departments, as well as EPA, reversing spending cuts proposed by the Trump administration under a plan backed yesterday by Democrats on the House Budget Committee.

The committee approved legislation 19-17, squarely along party lines, that would raise discretionary spending caps for fiscal 2020 and fiscal 2021, which the White House has used to justify deep domestic cuts.

The measure would do so by lifting funding restraints that were originally put in place by the 2011 Budget Control Act. The bill could be on the House floor as early as next week.

Budget Chairman John Yarmuth (D-Ky.) said the plan would stop "extreme cuts from being implemented, helps prevent another government shutdown, gets us past the distraction and politics of the 2020 elections, and achieves stability and responsible governing in the face of recklessness."

Arkansas Rep. Steve Womack, the panel's top Republican, countered that the Democrats' measure ignores rising federal debt, fails to include budget offsets and does not contain any input from GOP lawmakers or the White House.

He said he, too, favors raising the caps, but only "gradually," with a focus on more military spending and mandatory spending restraints.

Several Republican amendments to raise defense spending and freeze domestic spending were rejected by the committee.

The final legislation would set nondefense spending for fiscal 2020 at \$631 billion, a 5.7% increase over current spending, and \$646 billion for fiscal 2021. Defense spending would be set at \$664 billion for fiscal 2020, a 2.6% increase over current spending, and \$680 billion for fiscal 2021.

Additionally, defense accounts would be boosted by \$69 billion over two years via increases to the Overseas Contingency Operations account, a Pentagon fund used for paying war costs that does not count against budget caps.

Democrats said if the caps are not increased, they would be required by law to cut \$125 billion, or 10%, in fiscal 2020 from current spending levels or face automatic reductions, known as sequester.

They also argued the increases are largely equal — a term referred to as "parity" on Capitol Hill — between defense and nondefense accounts when measured against the proposed spending caps.

The legislation only sets overall spending levels, and it would still be up to House leaders to allocate the specific dollar amounts for the 12 annual appropriations bills that fund agencies.

EPA, which is marked for a more than 30% cut under Trump's budget, and Energy and Interior, which face more modest fiscal 2020 reductions, would likely benefit from any increase in domestic spending.

Rep. Betty McCollum (D-Minn.), chairwoman of the House Interior-EPA Appropriations Subcommittee, said earlier this week she would seek a "significant bump" for fiscal 2020, a request that could be granted under the proposed domestic spending increase.

But the House Democrats' plan marks only their opening bid in what are expected to be long, tough negotiations with Senate Republicans and the White House regarding final, fiscal 2020 spending.

The Senate GOP unveiled its own fiscal 2020 budget last week. It would keep spending caps in place but included a provision that would allow them to be raised if a bipartisan spending deal is struck.

The White House has said repeatedly it would only support an increase in defense caps.

House Democrats opted to set the spending caps rather than write a full fiscal 2020 budget resolution, which would lay out more detailed funding and revenue goals for the next decade.

Yarmuth conceded that splits in the party over spending priorities, including the Green New Deal, made it too difficult to round up the 218 votes that would have been needed to adopt a budget by the full House.

Womack said the "failure to adopt a budget is a failure to govern," while Yarmuth noted that the GOP, too, had been unable to pass a full 10-year budget when it held the majority.

<https://www.eenews.net/eedaily/2019/04/04/stories/1060142387>

CHEMICALWATCH ARTICLES

EPA to finalise 13 Snurs in the face of NGO protest

Agency defends use of first 'Snur-only' approach since TSCA reform

3 April 2019 / Substance notification & inventories, TSCA, United States



The US EPA is set to finalise 13 TSCA significant new use rules (Snurs) issued in the absence of consent orders, despite NGO concern that such an approach is "unlawful".

Proposed in October last year, the rules represent the first time since TSCA was amended in 2016 that the agency has addressed potential concerns with reasonably foreseeable uses of a new chemical through a 'Snur-only' approach.

Instead, when the agency has identified concern in reviewing a pre-manufacture notice (PMN), it has typically negotiated a section 5(e) consent order binding the submitter to certain conditions, and then also issued a Snur applicable to the whole market.

Snurs imposed without a consent order, also known as non-5(e) Snurs, were common practice before TSCA was amended. But environmental advocates have argued that they are no longer permissible under the reformed law.

Indeed, when the EPA floated plans in late 2017 to resume their use, the Natural Resources Defense Council (NRDC) filed a lawsuit. The NGO only dropped the case when the agency demonstrated it had not been taking this approach.

Nonetheless, the EPA has apparently changed course in issuing these 13 Snurs. And a pre-publication copy of a *Federal Register* notice confirms that the agency will be finalising them in the face of NGO concerns.

Response to comments

In its notice, the EPA largely sidesteps the comments it received about the permissibility of issuing a Snur to support a finding that a new chemical 'does not present an unreasonable risk'.

"These comments constitute challenges to certain TSCA 5(a)(3) [new substance safety] determinations rather than to the basis for, or the content of, the Snurs ... [and they] are not germane to this rulemaking," the notice says. The agency adds that it has previously defended its approach in the NRDC's legal challenge.

And it dismisses concerns that certain worker protection provisions should be included in the Snurs.

"EPA expects compliance with federal and state laws, such as worker protection standards or disposal restrictions, unless case-specific facts indicate otherwise," it says. "Further, any workplace risks will be mitigated if exposures are appropriately controlled, and EPA expects that employers will require and workers will use the appropriate controls ... consistent with the safety data sheet (SDS) prepared by the PMN submitter, in a manner adequate to protect them."

The agency also says its protection of confidential business information (CBI) – including for some health and safety data – appropriately balanced the public's need for sufficient information to understand its decisions versus the safeguarding of proprietary materials.

And it rejects a suggestion to name as a 'significant new use' any use not described in a PMN. TSCA does not require the agency, it says, "to take a catch-all approach advocated by commenters, and EPA believes a more tailored approach is warranted to avoid unduly burdensome regulations".

The final rules are set to take effect 60 days from their formal publication in the *Federal Register*.

But the controversy surrounding the EPA's new chemicals decision making is likely to continue.

When dropping its legal challenge last year, the NRDC told Chemical Watch that if the agency later adopts policies it feels are not in accordance with the law, that could "be the point of another decision on a legal challenge".



Kelly Franklin
North America editor

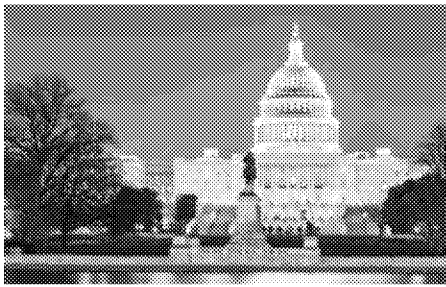
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- [NGOs call US EPA's 'Snur-only' approach 'unlawful'](#)
- [EPA uses first 'Snur-only' approach under amended TSCA](#)
- [Halt on TSCA 'non 5\(e\) Snurs' raises industry concerns](#)
- [US EPA explains new chemicals decision-making process](#)
- [NGO drops legal challenge to TSCA new chemicals guidance](#)
- [Further Information:](#)
- [Federal Register \(pre-publication\)](#)

Members of Congress scrutinise efforts to 'debilitate' IRIS programme

EPA proposed budget cuts come under fire in House, Senate hearings

4 April 2019 / United States



Senator Tom Udall (D–New Mexico) and congresswoman Betty McCollum (D–Minnesota) have accused the US EPA of deliberately undermining the Integrated Risk Information System (IRIS) programme.

Their concerns, raised in a 28 March letter to EPA Administrator Andrew Wheeler, largely stem from a recent Government Accountability Office (GAO) report. This flagged up that the number of substance reviews under IRIS has been reduced from 22 to 11, and that programme staff have increasingly been called upon to work on TSCA evaluations instead.

"EPA leadership took steps to effectively cut the IRIS programme's funding by reducing its workload by 50% and reassigning significant portions of staff time to other activities," wrote Mr Udall and Ms McCollum. "We view these steps as clear efforts to debilitate the IRIS programme."

The disruption to IRIS operations, they continued, was contrary to Congressional direction, after the legislature "specifically and overwhelmingly rejected" proposed cuts to IRIS in both the fiscal year 2018 and 2019 budgets.

The programme is intended to support chemical assessments in other parts of the agency. And it is intentionally placed in the Office of Research and Development (ORD), they wrote, to free its assessments from regulatory and non-scientific policy factors.

"By re-assigning a substantial portion of IRIS staff time outside of ORD, EPA leadership worked at cross-purposes to the programme's intent and the agency's own stated goals to support the chemical assessment needs of many other parts of the agency," they said.

The two lawmakers have called on agency leadership to reassign IRIS staff back to the programme and return it to its originally planned workload.

Budget cuts disputed

Elsewhere on Capitol Hill, subcommittees of both the Senate and the House appropriations committees held hearings reviewing the administration's 2020 budget proposal this week.

In testimony, Mr Wheeler faced questions on several hot-button topics, including the EPA's regulation of paint removers containing methylene chloride, what steps are being taken around per- and polyfluoroalkyl substances (PFASs), and whether the agency will move to ban asbestos.

More broadly, however, members of Congress pressed Mr Wheeler on the Trump budget request to cut EPA spending from \$8.8bn to \$6.1bn.

Ms McCollum (D-MN), who chairs the House appropriations subcommittee on the environment, said this request "completely fails to support the EPA's mission."

But she said that despite similar proposals in the past two years, Congress has "rejected these disastrous proposed cuts to EPA's budget on a bipartisan and bicameral basis." And, she said, it is likely to do so again.

Senator Lisa Murkowski (R-Alaska), chair of the Senate appropriations subcommittee on the environment, agreed: "The final budget for EPA as crafted by Congress will look substantially different than this



Kelly Franklin
North America editor

Related Articles

- Government watchdog says EPA leadership has slowed IRIS assessments
- US and Canada release risk assessment plans for coming years
- Trump budget proposal would cut EPA funding by a third
- Trump proposes slashing EPA budget again
- Congressional Democrats criticise methylene chloride rule as 'inadequate'
- EPA accused of dragging its feet with federal PFAS management plan
- Children's cosmetics asbestos warning bill under consideration in US House
- Trump proposes deep cuts to EPA's 2020 funding

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• Further Information:

•

- Letter
- Senate hearing
- House hearing
- McCollum statement
- Murkowski statement

Canada sets ministerial conditions for paint ingredient

4 April 2019 / Canada, Environmental Protection Act, Risk assessment, Substance notification & inventories

The Canadian government has imposed a ministerial condition on a chemical used in paints and coatings: iron(1+), chloro[dimethyl 9,9- dihydroxy- 3-methyl-2,4-di(2-pyridinyl-κN)-7-[(2-pyridinyl- κN)methyl]- 3,7-diazabicyclo[3.3.1]nonane-1,5-dicarboxylate- κN3, κN7]-, chloride (1:1).

The government suspects the substance is toxic or capable of becoming so, as laid out in section 64 of the Canadian Environmental Protection Act, 1999 (Cepa).

The conditions will only permit its use in paints and coatings if:

- the concentration of the substance is 100ppm or less;
- the paint or coating uses a waterboard or alcohol-based solvent system; and
- the paint or coating is not intended for use by children younger than 18.

The government's notice also set out certain record keeping and transfer of possession requirements for the substance's use.

The conditions entered into force on 13 March.

Further Information:

- [Canada Gazette notice](#)

Maine proposes designating PFOS a priority chemical

4 April 2019 / Children's products, PFCs, US states

Maine's Department of Environmental Protection has proposed designating perfluorooctane sulfonic acid (PFOS) a priority chemical under the state's Toxic Chemicals in Children's Products law.

If finalised, this would require manufacturers of children's products, toys, furniture and food containers containing intentionally added amounts of PFOS to report certain information to the state.

According to the draft proposal, PFOS meets priority chemical criteria because it has been found to be present in the human body, in household dust and indoor air, and in products used in the home, such as some clothing with water repellency.

Priority chemicals already regulated under Maine's Safer Chemicals in Children's Products Rule are:

- bisphenol A (BPA);
- the flame retardants decabromodiphenyl ether (decaBDE) and hexabromocyclododecane (HBCD);
- the phthalates di(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate (BBP) and diethyl phthalate (DEP);
- formaldehyde;
- nonylphenol and nonylphenol ethoxylates (NP/NPE);
- cadmium;
- mercury; and
- arsenic.

Comments on the PFOS draft rule chapter will be accepted until 6 May.

Further Information:

- [Department rulemakings](#)
- [Safer Chemicals programme](#)

Preliminary results suggest BPA can affect circadian rhythms in mice

As yet unpublished study by University of Calgary scientists focused on sleep patterns

4 April 2019 / Academic studies, Bisphenols, EDCs, Toxicology, United States



BPA can adversely affect circadian rhythms in the pups of pregnant mice that have been exposed to the substance before birth, according to preliminary study results presented at a meeting in the US on 25 March.

Various biological processes exhibit oscillations with 24 hour periodicity, resulting in so-called circadian rhythms, which are linked to patterns of sleep and activity.

In the study, which has yet to be published, scientists at the University of Calgary in Canada fed BPA-laden food to pregnant mice.

Then, when the pups were 12 weeks old, the scientists tested how the sleep and activity patterns of the pups responded to changes in the patterns of light and darkness of their environment.

The pattern was 12 hours of light followed by 12 hours of darkness for four weeks. Then, it was changed to a 24-hour dark cycle with irregular pulses of light, for the following four weeks.

The light pulses tested the responsiveness of the circadian rhythms to unexpected stimuli.

The pups exposed to BPA during gestation exhibited alterations in their daily patterns, and the timings of activity, indicating disrupted circadian signalling, said Deborah Kurrasch, who is leading the research. The adverse effects were more pronounced when the animals were placed in 24-hour darkness.

Professor Kurrasch presented the preliminary results at the annual meeting of the Endocrine Society held in New Orleans. She said that the effects on circadian rhythms could be a contributing factor to previously observed hyperactivity in BPA exposed mice.

Four generations

At the same meeting, David Lopez Rodriguez, a graduate student at the University of Liège, Belgium, presented preliminary results from a different study suggesting EDCs can adversely affects rats across four generations.

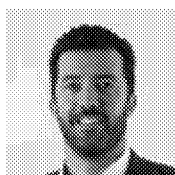
In the study, which, like the BPA study, has yet to be published, the scientists gave pregnant rats (F0 rats) food containing a mixture of 13 known EDCs, including plasticisers, biocides and UV filters. They identified adverse effects in the pups (F1 rats) and in the pups of two subsequent generations (F2 and F3 rats).

There were affects on sexual development in the F2 and F3 rats, including delayed puberty, but not in the F1 rats. There were, however, effects on the maternal care activity of the F1 rats, which for example spent less time licking their pups, a behaviour known to be transmitted through generations. Additionally, in the hypothalamus area of the brain, the expression and organisation of genes involved in puberty and reproduction were affected.

Mr Lopez Rodriguez said the results were consistent with the recent discovery that the environment can affect gene expression through changes in the organisation of DNA – epigenetic changes.

ACC

"Without a detailed description of the methodologies used and no access to the data, one cannot determine if a study has produced any meaningful results," said a spokesperson for the American Chemistry Council. "The vast majority of the endocrine active substances that scientists have studied to date have not been demonstrated to cause adverse health effects at typical exposures as a consequence of endocrine activity."



Andrew Turley

Science editor, Chemical Watch

Further Information:

- [Kurrasch presentation](#)
- [Lopez Rodriguez presentation](#)
- [Kurrasch abstract](#)
- [Lopez Rodriguez abstract](#)

US EPA round-up

4 April 2019 / Substance notification & inventories, TSCA, United States

TSCA 'not likely' findings

The US EPA has issued two TSCA 5(a)(3)(c) findings for substances subject to pre-manufacture notices (PMNs). These "not likely to present an unreasonable risk" determinations will allow the substances to come to market without restriction.

They cover:

- P-19-0026: a confidential substance imported in solution for use as a component in certain coating resin products; and
- P-18-0307: a confidential substance imported for use as a binder resin in coatings.

PMN receipts for October 2018

The agency received 27 pre-manufacture notices (PMNs) in October 2018 and 3 amendments to past PMNs, according to a 4 April *Federal Register* notice. The manufacturer's identity was withheld as confidential business information (CBI) on 14 of the submissions.

The agency also notified that in October it received:

- one significant new use notification (Snun);
- twelve notices of commencement (NOCs) and two amended NOCs; and
- test data in support of nine PMNs and of one Snun;

Section 5 of TSCA requires notification when any person intends to manufacture or import a chemical substance for a non-exempt commercial purpose, either for the first time (PMN) or for a 'significant new use', for substances subject to a significant new use rule (Snur). Submitters must provide the EPA with the appropriate information before initiating the activity; the agency reviews those notices, evaluates risk and takes appropriate action.

Under 2016 updates to TSCA, the EPA must publish a list of these submissions monthly.

IRIS assessment plan for methylmercury

The EPA is consulting on a draft Integrated Risk Information System (IRIS) assessment plan for methylmercury.

The document lays out the assessment objectives and identifies the types of evidence considered most relevant to addressing the scoping needs.

Comments will be accepted through 6 May. A public science webinar is planned for 15 May.

Further Information:

- [Not likely determinations](#)
- [October PMN receipts](#)
- [IRIS plan](#)

EPA may 'restart' IRIS assessment of formaldehyde

Programme update confirms reviews of HBCD, phthalates 'discontinued'

4 April 2019 / United States



The US EPA has discontinued Integrated Risk Information System (IRIS) assessments for a flame retardant and several phthalates, but has left open the possibility that it may revisit certain abandoned evaluations – including for formaldehyde.

The development has come in an updated 'programme outlook' for the agency's IRIS programme, which conducts independent evaluations of substances of concern that can be used to inform regulatory actions.

The April update says that, last year, the agency "prioritised its IRIS assessments to meet the highest needs of EPA programmes and regions and to bring greater focus to assessments actively under development." This is in keeping with an earlier programme outlook, published in December 2018.

The newer version, however, includes further details on the fate of assessments excluded from the previously published list of priorities.

More specifically, it says that several IRIS assessments were discontinued. These include evaluations of:

- the brominated flame retardant hexabromocyclododecane (HBCD);
- several phthalates: butyl benzyl phthalate (BBP), dibutyl phthalate (DBP), di-ethyl phthalate (DEP), di-isobutyl phthalate (DIBP) and diisononyl phthalate (DINP);
- acrylonitrile; and
- n-butyl alcohol.

Meanwhile, the agency clarified that other assessments that were not named priorities for 2019 "have been suspended but may be restarted".

These include:

- formaldehyde;
- PAH mixtures;
- ammonia;
- chloroform;
- ethylbenzene;
- manganese;
- naphthalene;
- nitrite/nitrate; and
- uranium.

For these substances, draft assessment materials will remain accessible on the IRIS website, it says.

Formaldehyde issues unresolved

The inclusion of formaldehyde on the list of assessments that may be revisited adds a new dimension to ongoing controversy.

A 2010 draft IRIS assessment linked the substance to leukaemia – a finding strongly disputed by industry. And suspicions arose last year that efforts were underway to hinder publication of a final review.

The December IRIS update excluded formaldehyde from the list of priority substances for review. Even so, the EPA last month announced it among the 20 candidates to be designated high priorities for risk evaluation under TSCA.

Several NGOs have voiced concern that this means the IRIS examination of the substance will never be published.

When asked last month by Chemical Watch if the EPA had plans to finalise the draft, it said: "Now that formaldehyde has been identified as a high priority under TSCA, EPA's Office of Research and Development (ORD) will be coordinating with the Office of Chemical Safety and Pollution Prevention (OCSPP) on next steps."

Meanwhile, three of the phthalates for which EPA says it has discontinued IRIS assessments – BBP, DBP and DIBP – are also among the TSCA list of 20 high priority candidates.

Updated review timelines

Beyond the updates on the substances that have not been designated priorities, the April programme outlook includes updated timelines for the substances undergoing evaluation this year.

These are:

- ethyl tertiary butyl ether (ETBE);
- tert-butyl alcohol;
- arsenic, inorganic;
- chromium VI;
- polychlorinated biphenyls (PCBs), noncancer;
- several per- and polyfluoroalkyl substances (PFASs) – PFNA, PFBA, PFHxA, PFHxS, PFDA – which the EPA says are being reviewed in support of its broader approach to address the class of substances;
- mercury salts;
- methylmercury; and
- vanadium and compounds.



Kelly Franklin

North America editor

Related Articles

- US and Canada release risk assessment plans for coming years
- Hearing on US EPA's IRIS programme becomes policy battleground
- ACC fears 'restructuring' of IRIS formaldehyde assessment
- Science underlying formaldehyde IRIS assessment to be examined
- NGOs blast TSCA formaldehyde prioritisation as 'confusing and deceptive'

- **Further Information:**

- April update
- October update
- IRIS homepage

New Jersey directs companies to fund PFAS removal

Environmental authority requests data on chemicals in products

4 April 2019 / Enforcement, PFCs, US states



A New Jersey agency has directed five chemical companies to fund the removal of per- and polyfluoroalkyl substances (PFASs) contamination in the state, as well as account for their use and discharge.

Via a directive, the New Jersey Department of Environmental Protection (NJDEP) has asked that the companies – Solvay, Chemours, DuPont, DowDuPont and 3M – provide detailed information on their PFAS use. This includes data on sales of products containing the substances, as well as on the development of newer chemicals in the state.

The NJDEP plans to hold the companies financially responsible for the remediation and treatment of PFAS-related contamination, which it says has become ubiquitous in New Jersey waters.

PFASs – a widely used and highly persistent and bioaccumulative class of fluorinated chemicals – have been the subject of increasing concern recently. Studies have linked long-chain PFASs – which have largely been phased out – to human health effects like carcinogenicity, but there are also concerns around newer short-chain alternatives.

The state said that the action was taken partly in light of the US EPA's PFAS management plan, which NJDEP Commissioner Catherine McCabe (pictured) described as "a drawn-out process that will delay establishing a federal maximum contaminant level."

The environmental department says New Jersey is the first state in the nation to use a directive in this manner. It has been issued under the authorities of three New Jersey regulations: the Spill Compensation and Control Act, Water Pollution Control Act and Air Pollution Control Act.

These allow the NJDEP to "act to prevent environmental pollution, enforce environmental laws and obtain documentation about the discharge of pollutants." The Spill Act states that any person responsible for the discharge of a hazardous substance is liable for any cleanup and removal costs, "no matter by whom incurred" and "without regard to fault".

"We are putting these five companies on notice that many years of contaminating New Jersey's precious drinking water and other natural resources will not go unchecked," said Commissioner McCabe.

However, the directive is not a "formal enforcement order, a final agency action or a final legal determination that a violation has occurred."

Company responses

In statements to Chemical Watch, 3M and DuPont said that they are in the process of "reviewing" the directive.

"We take seriously our responsibility to our customers, our employees, and the communities where we live and operate," said 3M. "We continuously engage in substantive conversations with public stakeholders to share information we find, as we seek to learn more about PFAS chemistries."

Chemours said that the company is in "regular interaction" with the NJDEP, and "continually share[s] information with the agency related to the use and emission of fluorinated compounds."

In February, Chemours was issued a Notice of Violation by the US EPA for violations under TSCA related to its emissions of PFASs in North Carolina.

All three of these companies plan to "work with" New Jersey.

Neither Solvay nor DowDuPont responded to requests for comment.

Directive details

The five companies have been directed to supply the NJDEP with information on both historic use of PFASs, such as PFNA, PFOA and PFOS, and current use of their short-chain replacements in New Jersey within 21 days of the directive's receipt.

They are also required to outline the company's ability to pay for or perform clean-up and removal of the chemicals from the environment.

The directive has different financial implications for each company. Monitoring and data provisions are included for all, though these differ slightly depending on historic versus present uses of PFASs.

Solvay specifically has been directed to reimburse the NJDEP over \$3m for past clean-up and treatment efforts, within 30 days of the directive's receipt. It is the only company singled-out in this way.

All respondents will have 30 days to meet collectively with the NJDEP to discuss a cost estimate for removing legacy long-chain PFASs from the environment.

Failure to comply with the directive will triple the companies' potential liability for cleanup and removal, and could possibly subject them to penalties of up to \$50,000 per day. Each day of violation constitutes an "additional, separate and distinct violation".



Lisa Martine Jenkins
Americas reporter

Related Articles

- US EPA announces PFAS action plan
- Chemours faces first Notice of Violation issued under TSCA
-
- **Further Information:**
-
- NJDEP press release
- Directive

Australia's industrial chemicals bill becomes law

Implementation of early changes expected soon

4 April 2019 / Australia, Risk assessment, Substance registration



Australia's Industrial Chemicals Bill 2017 has received royal assent and become law.

The Industrial Chemicals Act creates a new framework for the regulation of imported or manufactured industrial chemicals. The new scheme – Australian Industrial Chemicals Introduction Scheme (AICIS) – will replace the current Nicnas on 1 July 2020.

The bill was divided into six parts. The first three passed both houses on 18 February and received royal assent on 12 March.

The remaining three parts, which relate to fees and charges under the new scheme, passed both houses with minor changes on 2 April and received royal assent on 3 April.

The new scheme will come into force next year but, as planned, there will be some early changes.

These include:

- reducing regulatory burden by removing annual reporting requirements for lower risk chemicals; and
- reforming the definition and regulatory treatment of polymers.

A date is not yet set for them but Nicnas says it will provide relevant information on its website to assist companies with the transition.

Nicnas is also seeking feedback on proposed changes to the new scheme's draft General Rules. The consultation includes new or significant changes from those consulted on in March last year. It closes on 17 May.



Ellen Tatham
Asia reporter

Related Articles

- [Australia passes part of the Industrial Chemicals Bill](#)
- [Bill transforming Australia's regulatory framework enters parliament](#)
- [End of consultation on AICIS rules and guidelines](#)

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• **Further Information:**

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[Industrial Chemicals Act 2019](#)

[Consultation on new scheme](#)

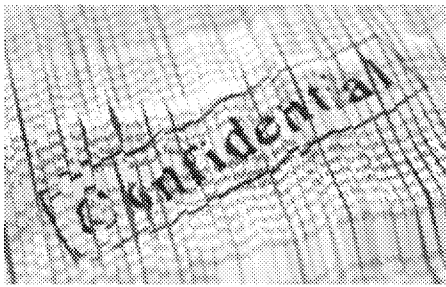
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Chemical tracking system approved by South Korea's cabinet

US industry objects over CBI concerns, potential exports effect

4 April 2019 / CCA/TCCA, Confidentiality & right-to-know, South Korea



South Korea's state council, or cabinet, has approved an amendment to the Chemical Control Act (CCA), which introduces a comprehensive chemical tracking system, despite industry concerns. The amendment, which was approved on 2 April, will now proceed to parliament.

Revisions to the Act, proposed in May last year and notified to the WTO in February, include:

- a tracking system for chemicals that are manufactured in, or imported into, the country, which uses a 'universal chemical tracking number' to monitor chemical use, storage and sales;
- a 'notification of chemicals verification' for imports, which consolidates the substance verification statement and toxic substances import declaration; and
- provision for the appointment of an overseas manufacturer's representative, where an importer cannot establish a substance's content.

All amendments will be implemented when the revisions are promulgated, with the exception of the notification of chemicals verification, which will apply two years after this.

The notifications must be submitted to local environment authorities.

The universal chemical tracking number, approved by the cabinet, comprises a 15-20 digit code indicating:

- whether the substance is toxic;
- the reporting year;
- information on the substance form, and whether it is a mixture;
- a serial number;
- a verification number; and
- the country of manufacture

US concerns

On 29 March, the US trade representative said in its annual National Trade Estimate Report that the tracking system raises a number of concerns, particularly for confidential business information (CBI) protection.

The report said US exporters believe full composition disclosure fails to protect CBI and that it would be difficult to comply with requirements to declare the content of third-party supplied materials.

If US exporters cannot fulfil these requirements, it said, exports to Korea are likely to be restricted. It said the US would continue to engage with South Korean authorities as implementation progresses.

An official from the South Korean government told Chemical Watch that the CBI concern is clearly addressed in the amended Act, which states chemical information will only be reported to the government and not shared with third parties.

In response to the USTR report, the Ministry of Environment (MoE) said the revision of the Act includes multiple systems to protect CBI. It pointed out that:

- only the tracking number will be used when transferring substances, so no CBI will be disclosed;
- information, including chemical data, connected to the number will only be reported to the government;
- CBI protection would be enhanced as verification statements will be reported directly to local government rather than, as previously, to the Korea Chemicals Management Association (KCMA), which is a quasi non-governmental organisation;
- the ministry will consider applications for data protection; and
- numerous meetings discussed the revision with overseas companies. And the MoE will continue to communicate closely with industry while enforcing the Act.

The report also highlights ongoing US concerns with K-REACH, centering on a lack of guidance on implementation and insufficient time for companies to carry out requirements.

And it raises a fresh concern over low volume exemptions under the law. Previously these applied to companies importing substances under 100kg. But in the amended law, the MoE has narrowed these exemptions by requiring registration of compounds exceeding 1,000kg of imported chemicals.

The new criterion "introduces uncertainty to business planning and adds a further compliance burden on chemical importers," the report says.



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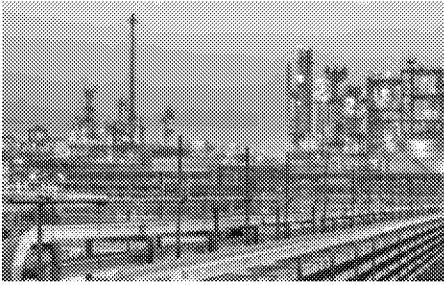
- [Chemical management act, decree and rules \(2017 revision\)](#)
- [South Korea proposes universal chemical tracking system](#)
- [Major chemical company raises issues with South Korea's chemical tracking system](#)
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- **Further Information:**
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- [MOE press release on cabinet approves amendment \(in Korean\)](#)
- [MOE response press release \(in Korean\)](#)

- Draft amendment-January 2019 (in Korean)
- WTO notice
- USTR National Trade Estimate Report 2019

South Korean industry raises concerns as CCA grace period ends

Large facilities face challenging safety measures

4 April 2019 / CCA/TCCA, Process safety, South Korea



Several major South Korean semi-conductor manufacturers say they may have to close plants from next year as a grace period for compliance with the Chemical Control Act (CCA) comes to an end.

The Act came into effect on 1 January 2015. However, an implementation grace period was given for plants built before 2015. That period expires on 31 December.

Requirements that will apply under the CCA include regular safety inspections, discharging bund (overspill tanks) and ensuring separation distances inside facilities.

Press outlets in South Korea have reported that semi-conductor manufacturers such as Samsung electronics, SK Hynix and LG Display, a leading LCD (liquid-crystal display) panel maker, have asked the Ministry of Environment to relax the safety standards and delay the end of the grace period. However, they report their request has not been accepted.

An industry insider, who wanted to remain anonymous, told Chemical Watch that semi-conductor and LCD display manufacturing involves many chemical substances with interconnected manufacturing processes and it is not possible to simply stop one process to implement safety checks. Consequently, the source said, operations might have to cease production for as long as 14 months to implement the Act's safety standards.

This contrasts, the source said, with the petrochemical sector where simpler, easier to check processes mean that manufacturers are relatively unaffected by the amended CCA.

In response to industry concerns, the environment ministry says the Act has been in force since 2015. Industry has, it says, had not only five years to prepare, but there have also been a number of programmes in place to give support on technical and financial matters.

Where some measures such as discharging bund and ensuring separation distance are not feasible, the ministry says it will accept alternative equivalent measures subject to review.

While companies have complained that regular safety checks may halt production, the ministry says regular safety checks will be done by specialist agencies with 'cutting edge' equipment and technology that mean facilities will not have to stop during inspection.



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